

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANIA NOWAK and ZBIGNIEW CICHY,

Defendants.

Criminal No. 10-633 (SRC)

ORDER

CHESLER, District Judge

This matter having come before the Court upon the omnibus motion filed by Defendant Zbigniew Cichy for various relief [docket entry 77]; and also upon the omnibus motion filed by Defendant Ania Nowak for various relief [docket entry 78]; and each Defendant having joined in the other Defendant's motion; and Plaintiff the United States of America (the "Government") having opposed the motions and also having moved for reciprocal discovery pursuant to Federal Rule of Criminal Procedure 16(b); and the Court having considered the papers filed by the parties and having heard the arguments of counsel; and for the reasons expressed by the Court on the record on May 2, 2011,

IT IS on this 2nd day of May, 2011,

ORDERED that Defendants' motion to dismiss Count One of the Indictment on grounds

that the statute charged, 18 U.S.C. § 1349, is not a crime be and hereby is **DENIED**; and it is further

ORDERED that Defendants' motion to dismiss Count One of the Indictment on grounds that it charges more than one conspiracy be and hereby is **DENIED**; and it is further

ORDERED that Defendants' motion to dismiss Counts Two through Six, the substantive wire fraud charges, on grounds that allegations pertaining to Count One, the conspiracy charge, have been incorporated by reference into Counts Two through Six be and hereby is **DENIED**; and it is further

ORDERED that Defendants' motion to dismiss the Indictment on grounds that it contains open-ended allegations and vague statements be and hereby is **DENIED**; and it is further

ORDERED that Defendants' motion to dismiss the Indictment on grounds of repugnancy of the allegations be and hereby is **DENIED**; and it is further

ORDERED that Defendants' motion for a bill of particulars be and hereby is **DENIED**; and it is further

ORDERED that Defendants' motion for severance of the case against Defendant Cichy from the case against Co-Defendant Nowak pursuant to Rule 14 of the Federal Rules of Criminal Procedure be and hereby is **DENIED**; and it is further

ORDERED that Defendants' motion to bar the admissibility of any non-original documents be and hereby is **DENIED**; and it is further

ORDERED that Defendants' motion to compel the Government to preserve all rough notes, reports, and drafts prepared by any Government Agent in connection with the investigation

of this case be and hereby is **DENIED AS MOOT**; and it is further

ORDERED that Defendants' motion to compel the Government to comply with its *Brady* obligations be and hereby is **DENIED AS MOOT**; and it is further

ORDERED that the Government will provide Rule 404(b) material on or before May 6, 2011; and it is further

ORDERED that the Government will provide all *Jencks* and *Giglio* material on or before the day before the commencement of the trial of this action; and it is further

ORDERED that the Government will produce copies of all correspondence between financial and/or lending institutions involved in this action and the United States Attorney's Office and copies of all correspondence between title companies involved in this action and the United States Attorney's Office; and it is further

ORDERED that Defendants' motion for the issuance of various subpoenas pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure be and hereby is **DENIED**; and it is further

ORDERED that should either Defendant intend to present expert testimony, the proffered expert's report shall be produced on or before May 6, 2011; and it is further

ORDERED that the Government's motion for reciprocal discovery pursuant to Federal Rule of Criminal Procedure 16(b) be and hereby is **GRANTED**.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge